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SANITARY LEGISLATION.

STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

INDIANA.

Tenement Houses—Construction, Maintenance, and Use of. (Chap. 149, Act Mar. 8, 1913.)

SECTION 1. *Housing law—where applicable.*—That this act shall apply to all incorporated cities in this State.

SEC. 2. *Definitions.*—Certain words in this act are defined for the purposes thereof as follows: Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as a natural person.

A "tenement house" is any house or building, or portion thereof, which is rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged, or designed to be occupied as the home or residence of two or more families living independently of each other (which family may consist of one or more persons) and having a common right in the halls, stairways, yard, cellar, water-closets or privies, or any of them, and includes apartment houses and flat houses, but does not include hotels; and including dwelling houses occupied or intended to be occupied as the home or residence of one family or more, if built in a continuous row of more than two houses, if the halls, stairways, yard, cellar, water supply, well, and cistern, water-closets or privies, or any of them are used in common; shall be deemed to be tenement houses and shall be subject to all the provisions of this act, except sections 18 and 35.

A "yard" is an open unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the extreme rear line of the lot. A yard between the front line of the house and the front line of the lot is a "front yard." A side yard shall be deemed an open, unobstructed space the full length of the building.

A "court" is an open unoccupied space, other than a yard, on the same lot with a tenement house. A court not extending to the street or yard is an inner court. A court extending to the street or yard is an outer court.

A "public hall" is a hall, corridor, or passageway not within an apartment.

A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

A "basement" is a story partly underground but having at least one-half of its height above the finished grade, provided such finished grade be not below the lowest curb level adjacent to the lot.

A "cellar" is a story more than one-half below the finished grade, provided such finished grade be not below the lowest curb level adjacent to the lot.

A "fireproof tenement house" is one of the walls of which are constructed of brick, stone, cement, iron, or other hard incombustible material, and in which there are no

wood beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, cement, iron or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings. But this definition shall not be construed as prohibiting, elsewhere than in the stair halls, or entrance halls, the use of wooden floorings on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails or treads of hardwood not less than 2 inches thick, nor doors or wooden lath in partitions.

A "wooden building" is a building of which the exterior walls or a portion thereof are of wood.

The word [nuisance] shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and be it further enacted that whatever is dangerous to human life or detrimental to health; whatever building or erection, or part, or cellar thereof is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof, or is not sufficiently supported, ventilated, sewerred, drained, cleaned, or lighted, in reference to its intended or actual use, and whatever renders the air or human food or drink unwholesome, are also severally in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

The word "shall" is always mandatory and not directory, and denotes that the house shall be maintained in all respects according to the mandate as long as it continues to be a tenement house.

Wherever the words "inspector of buildings," or "board of health" occur in this act they shall be taken to mean the local inspector of buildings, and the local board of health respectively, by whatever name known, in the city in which the tenement house or building is situated. In case there shall be no local inspector of buildings or board of health in any city, the powers, obligations and duties conferred and imposed upon them by this act shall be assumed by and discharged by the mayor of such city.

Wherever the words "charter," "ordinances," "regulations," or "department charged with the enforcement of this act," occur in this act they shall be construed as if followed by the words "of the city in which the tenement house is situated." Wherever the words "is occupied" are used in this act, applying to any building, such words shall be construed as if followed by the words "or is intended, arranged or designed to be occupied." Wherever the word "street" is used in this act it shall be construed as including any public alley 10 feet or more in width.

The "height" of a tenement house is the perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams, in the case of flat roofs, and to the average of the height of the gable in the case of pitched roofs, the measurements in all cases to be taken through the center of the façade of the house. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the façade on the street having the highest elevation.

A "corner lot" is a lot situated at the junction of two streets, or of a street and a public alley not less than 10 feet in width. Any portion of the width of such lot distant more than 70 feet from such junction shall not be regarded as part of a corner lot but shall be subject to the provisions of this act respecting interior lots. A lot other than a corner lot is an "interior lot."

The front of a lot is that boundary line which borders on the street. In case of a corner lot, the owner may elect by statement on his plans either street boundary line as the front. The rear of a lot is the side opposite to the front. In the case of a triangular or gore lot the rear shall be the boundary line not bordering on a street.

Occupied spaces.—Outside stairways, fire escapes, porches or platforms shall be considered as part of the building and not as part of the yards or courts, or unoccupied area.

Lot.—A lot, for the purposes of this act shall mean any separate part or parcel of real estate of a separate and distinct description and ownership.

Apartment.—An apartment is a room, or suite of two or more rooms occupied, or suitable to be occupied, or intended to be occupied as a residence for one family. A family may consist of one or more persons.

An apartment house is any house or building containing two or more apartments.

SEC. 3. *Buildings converted or altered*.—A building not a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

SEC. 4. *Alterations and change in occupancy*.—No tenement house hereafter erected shall at any time be altered so as to be in violation of any provision of this act. If any tenement house or any part thereof is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the board of health may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

SEC. 5. *Law not to be modified*.—The provisions of this act shall be held to be the minimum requirements adopted for the protection of the health and safety of the community. Nothing in this act contained shall be construed as prohibiting the local legislative body of any city from enacting from time to time supplementary ordinances imposing further restrictions. But no ordinance, regulation, or ruling of any municipal authority shall repeal, amend, modify or dispense with any provision of this act.

SEC. 6. Except as herein otherwise specified, every tenement house shall be constructed and maintained in conformity with the existing law and ordinances.

SEC. 7. *Sewer connections and water supply*.—The provisions of this act with reference to sewer connection and water supply shall be deemed to apply only where connection with a public sewer and with public water mains is or becomes accessible, and such connection shall be held and deemed to be accessible when such public sewer and public water mains are within a distance of 100 feet of any outside line of the lot upon which the tenement house may be situated.

SEC. 8. *State board of health*.—The State board of health shall have power to examine into the enforcement of the laws relating to tenement houses in any city. Whenever required by the governor, it shall make such an examination and shall report the result thereof to the governor within the time prescribed by him therefor.

SEC. 9. *Percentage of lot occupied*.—No tenement house hereafter erected shall occupy, either alone or with other buildings, a greater percentage of the area of the lot than as follows: In the case of corner lots not more than 85 per cent; in the case of corner lots with streets on three sides, not more than 90 per cent; in the case of interior lots, not more than 65 per cent. In the case of interior lots the measurements shall be taken at the ground level; in the case of corner lots the measurements may be taken at the top of the first story. No measurements of lot area shall include any portion of any street or alley.

SEC. 10. *Height*.—No tenement house hereafter erected shall exceed in height one and one-half times the width of the widest street upon which it abuts.

SEC. 11. *Yards*.—Behind every tenement house hereafter erected there shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky unobstructed. Every part of such yard shall be directly accessible from every other part thereof. The depth of said yard shall be measured from the extreme rear of the house toward the rear line of the lot. Where the rear of the lot abuts an alley for the lot's full width, the depth of the lot may be measured to the middle line of the alley; where there is no such alley the measurements shall be taken to the rear lot line. In the case of interior lots no yard shall be less than 25 feet in depth, except that in the case of interior lots which are less than 100 feet in depth, the yard may be in depth not less than 25 per cent of such depth of lot, but in no case less than 10 feet deep. In the case of corner lots no yard shall be less than 15 feet

in depth. In the case of corner lots bordering on three streets, the yard need not extend across the full width of the lot, but only to its median line. In the case of corner lots having an average depth of less than 100 feet with the ground floor used for mercantile purposes, no yard shall be required if such ground floor structure extends from one street to another street. If the tenement house exceeds three stories in height, the depths above prescribed shall in each case be increased 3 feet for each story above three stories. A side yard shall not be less than 4 feet in width at any one point for all tenement houses three stories or less and this space must be increased 6 inches for each additional story.

SEC. 12. *Yards on lots running from street to street.*—On lots which run through from one street to another street and which exceed 100 feet in average depth, the yard of a tenement house hereafter erected shall be left either at the rear of said lot abutting directly on the street, or there shall be a yard space directly across the center of the lot. All such yard spaces shall be of such sizes and arranged in such manner as prescribed in section 11 of this act. On such lots where the average depth of the lot is 100 feet or less no yard need be provided. For the purposes of this section an alley is not a street.

SEC. 13. *Courts.*—The sizes of all courts in tenement houses hereafter erected shall be proportionate to the height of the building. No court shall be less in any part than the minimum sizes prescribed in this section. The minimum width of a court for a one-story and for a two-story building shall be 10 feet, for a three-story building 12 feet, for a four-story building 14 feet, and shall increase 2 feet for each additional story. The length of an inner court shall never be less than twice the minimum width prescribed by this section. A court located on the lot line if it adjoins throughout the length of said court a court of equal or greater width on the abutting premises, may be one-half the minimum width above prescribed, provided the owner of said abutting premises files in the county recorder's office a written easement agreement that he, his heirs, administrators, and assigns will keep such adjoining space unbuilt upon and available for light and air.

SEC. 14. *Courts open at top.*—No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed, except where the first floor is used for mercantile purposes, the court shall be open from the top of the first floor to the sky.

SEC. 15. *Air intakes.*—In a tenement house hereafter erected every inner court shall be provided with two or more horizontal air intakes at the bottom. One such intake shall always communicate directly with the street and one with the yard, and shall consist of a fireproof passageway not less than 3 feet wide and 7 feet high, which shall be left open, or be provided with an open gate at each end.

SEC. 16. *Extensions or offsets to courts.*—Extensions or offsets to courts in tenement houses hereafter erected will be permitted, but no such extension or offset shall be less than 6 feet in width in any part; its depth may be less than but never greater than one and one-half times its width. Such dimensions shall be deemed the minimum dimensions for a two-story building, and shall increase 1 foot for each story above two stories.

SEC. 17. *Angles in courts.*—Nothing contained in the foregoing sections concerning courts shall be construed as preventing windows at the angles of said courts, provided that the running length of the wall containing such windows does not exceed 6 feet.

SEC. 18. *Rear tenements.*—No tenement house shall hereafter be erected upon the rear of a lot where there is a tenement house on the front of the said lot, nor upon the front of any such lot upon the rear of which there is such a tenement house. This provision shall not apply to tenement houses abutting on two streets and located on the outside corner of the lot: *Provided, however,* That no tenement house shall be erected unless both tenement houses on the same lot, including tenement houses constructed

prior to the passage of this act, shall fully comply with all the provisions of this act with reference to yards.

SEC. 19. *Buildings on same lot with tenement houses.*—If any building is hereafter placed on the same lot with a tenement house there shall always be maintained between the said buildings an open unoccupied space extending upwards from the grounds and extending across the entire width of the lot. Such space shall never be less than 25 feet in depth. Where either building is four stories in height, such open space shall be 30 feet in depth, and such open space shall be increased 3 feet in depth throughout its entire width for each additional story. And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease the minimum size of courts or yards as hereinbefore prescribed. Except that where an alley not less than 10 feet wide abuts the rear of the lot, a rear building, if not used for tenement house or manufacturing purposes, may be built up to the rear line of the lot, provided it does not exceed one story in height and that the space between it and the front building is maintained as required by this section. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all the provisions of this act, and in addition the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

SEC. 20. *Rooms, lighting of and ventilation of.*—In every tenement house hereafter erected every room, including water-closet compartments and bathrooms, shall have at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this chapter and such window shall be so located as to properly light all portions of such rooms.

SEC. 21. *Windows in rooms.*—In every tenement house hereafter erected the total window area in each room, including water-closet compartments and bathrooms, shall be at least one-seventh of the superficial floor area of the room, and the top of at least one window shall not be less than 7 feet above the floor, and the upper half of it shall be made so as to open the full height. At least one such window in rooms other than bathrooms or water-closets shall be not less than 12 square feet in area between the stop beads; and in water-closet compartments and bathrooms at least one such window shall be not less than 6 square feet in area between the stop beads.

SEC. 22. *Rooms, size of.*—In every tenement house hereafter erected all rooms, except water-closet compartment and bathrooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than 150 square feet of floor area, and each other room shall contain at least 100 square feet of floor area. Each room shall be in every part not less than 9 feet high from the finished floor to the finished ceiling.

SEC. 23. *Alcoves and alcove rooms.*—In a tenement house hereafter erected an alcove in any room shall be separately lighted and ventilated as provided for rooms in the foregoing sections. No part of any room in a tenement house hereafter erected shall be inclosed or subdivided at anytime, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, unless such part of the room so inclosed or subdivided shall contain a separate window as herein required and shall have a floor area of not less than 100 square feet: *Provided*, That nothing in this section nor in this act shall prohibit the construction of clothes closets, china closets, or pantries in any room when such construction will not reduce the minimum requirements of such room as specified in this act.

SEC. 24. *Chimneys and fireplaces.*—In every tenement house hereafter erected, there shall be adequate chimneys, running through every floor with an open fireplace or grate, or place for a stove, for every apartment, properly connected with one of said chimneys, except where the building is heated from a central plant.

SEC. 25. *Privacy.*—In every tenement house hereafter erected, in each apartment access to every living room and bedroom and to at least one water-closet compartment shall be had without passing through any bedroom.

SEC. 26. *Public halls.*—In every tenement house hereafter erected, every public hall shall have at each story at least one window opening directly upon the street or upon a yard or court of the dimensions specified in this chapter. Such window shall be at the end of said hall with the natural direction of the light parallel to the hall's axis. There shall be in every such public hall at least one window opening upon a street, yard, or court for every 40 feet, or fraction thereof, in length of such hall. Any part of a public hall which is shut off from any other part of said hall by a door shall be deemed a separate hall within the meaning of this section.

SEC. 27. *Windows for public halls, size of.*—One, at least, of the windows provided to light each public hall or part thereof shall be at least 2 feet 6 inches wide and 5 feet high, measured between stop beads.

SEC. 28. *Windows for stair halls, size of.*—In every tenement house hereafter erected, there shall be provided for each story at least one window to light and ventilate each stair hall, which shall be at least 3 feet wide and 5 feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections: *Provided*, That such door contains the amount of glazed surface prescribed for such windows.

SEC. 29. *Cellar rooms.*—In tenement houses hereafter erected, no room in the cellar shall be constructed, altered, converted, or occupied for living purposes.

SEC. 30. *Basement rooms.*—In tenement houses hereafter erected, no room in the basement shall be constructed, altered, converted, or occupied for living purposes, unless, in addition to the other requirements of this act, all of the following conditions are complied with: Such room shall be at least 9 feet high in every part from the floor to the ceiling. The ceiling of such room shall be in every part at least 4 feet and 6 inches above the finished grade of the lot, and at least as high above the lowest curb level adjacent to the lot; when such room or the apartment containing it is located in the rear of the building, the yard or courts upon which such room or apartment opens shall extend to a point below the floor level of said room. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard. There shall be appurtenant to such room a separate water-closet constructed and arranged as required by section 34 of this act. Such room shall have a window opening upon the street or upon a yard or court of the dimensions specified in this chapter. The total area of windows in such room shall be at least one-seventh of the superficial floor area of the room, and the upper half of the window shall be made to open the full height. No such window shall be less than 12 square feet in area between the stop beads. All walls surrounding such room shall be damp proof. The floor of such room shall be damp proof and waterproof.

SEC. 31. *Cellars, damp proofing and lighting.*—Every tenement house hereafter erected shall have a cellar or excavated space under the entire first floor at least 3 feet in depth or shall be elevated above the ground so that there will be a clear air space of at least 24 inches between the top of the ground and the bottom of said floor, so as to insure ventilation and protection from dampness. Such space shall in all cases be inclosed, but provided with ample ventilation and properly drained. Every tenement house hereafter erected shall have all walls below the ground level and the cellar or lowest floor damp proof and waterproof. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

SEC. 32. *Drainage of courts, areas, and yards.*—In every tenement house hereafter erected all courts, areas, and yards shall be properly graded and drained and connected with the street sewer, so that all waters may drain freely into the street, alley, or sewer.

SEC. 33. *Water supply.*—In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

SEC. 34. *Water-closet accommodations.*—In every tenement house hereafter erected there shall be within each apartment a separate water-closet located in the bathroom or in a separate compartment. Each such water-closet compartment shall be not less than 3 feet wide, and shall be inclosed with plastered or other mineral partitions, which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a yard or court of the minimum size prescribed by this act. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels not less in area than 4 square feet. No water-closet fixtures shall be inclosed with any woodwork. No water-closet shall be placed out of doors nor in the cellar of any tenement house except as an appurtenance to an engine or boiler room, and then only in case such cellar closet is lighted and ventilated as required herein for a basement room.

SEC. 35. *Sewer connection.*—No tenement house shall hereafter be erected on any street unless it be connected with a public sewer in such street, or a private sewer connecting directly with a public sewer and also connected with public water supply, if such sewer and water supply are accessible. No cesspool or privy vault or similar means of sewage disposal shall be used in connection with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied.

SEC. 36. *Plumbing.*—In every tenement house hereafter erected no plumbing fixtures shall be inclosed with woodwork, but the space underneath shall be left entirely open. In all tenement houses hereafter erected where plumbing or other pipes pass through floors or partitions the openings around such pipes shall be sealed or made air-tight with incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room. All plumbing work shall be sanitary in every particular and except as otherwise specified in this act shall be in accordance with the plumbing regulations of said city. Pan and long hopper closets will not be permitted.

SEC. 37. *Fireproof tenement, when required.*—No tenement house shall hereafter be erected exceeding three stories in height exclusive of basement or cellar, nor in any case exceeding 42 feet in height, unless it shall be a fireproof tenement house.

SEC. 38. *Fire escapes.*—Every tenement house hereafter erected which is three or more stories in height, exclusive of cellar or basement, unless it is a fireproof tenement house or unless provided with fireproof outside stairways directly accessible to each apartment, shall have fire escapes located at each story, the floor of which is 12 or more feet above the ground, and shall open directly from at least one room or private hall in each apartment, other than a bathroom or water-closet compartment, and such room or private hall shall be an integral part of said apartment and accessible to every room thereof without passing through a public hall. Access to fire escapes shall not be obstructed in any way. No fire escape shall be placed in any court except an outer court. All fire escapes shall consist of outside open iron, terra-cotta, or stone balconies and stairways. All balconies shall be not less than 3 feet in width and shall include at least one window or outside door of each apartment at each story located as above specified. All stairways shall be placed at an angle of not more than 45 degrees to the horizontal, with flat open steps not less than 6 inches in width and 24 inches in length and with a rise of not more than 8 inches. The openings for stairways in all balconies shall be not less than 24 by 36 inches, and shall have no covers of any kind. The balcony on the top floor, except in the case of a balcony on the street, shall be provided with a stairs or with a gooseneck ladder leading from said balcony to and above the roof and properly fastened thereto. A drop ladder or stairs shall be provided from the

lowest balcony of sufficient length to reach to a safe landing place beneath. All fire escapes shall be constructed and erected to safely sustain in all their parts a safe load, and if of iron shall receive not less than two coats of good paint, one in the shop and one after erection. In addition to the foregoing requirements, all fire escapes hereafter erected upon tenement houses shall be constructed in accordance with such supplementary regulations as may be adopted by the inspector of buildings.

SEC. 39. *Scuttles and bulkheads.*—Every tenement house hereafter erected exceeding two stories in height shall have in the roof a bulkhead or scuttle not less than 2 by 3 feet in size. Such scuttle or bulkhead shall be covered with metal on the outside and easily accessible to all tenants of the building. No scuttle or bulkhead shall be located in a closet or room, but shall be located in the ceiling of the public hall on the top floor, and access through the same to the roof shall be direct and uninterrupted.

SEC. 40. *Stairs and public halls.*—In every tenement house hereafter erected the stairs and public halls shall each be at least 3 feet 6 inches wide in the clear. All stairs shall be constructed with a rise of not more than 8 inches and with treads not less than 10 inches wide in the clear. Winding stairs will not be permitted unless width of tread is at least 10 inches at a distance of 18 inches from the inner stringer.

SEC. 41. *Entrance halls.*—Every entrance hall in a tenement house hereafter erected shall be at least 4 feet 6 inches wide in the clear. In every tenement house hereafter erected access shall be had from the street or alley to the yard either in a direct line or through a court.

SEC. 42. *Cellar stairs.*—In nonfireproof tenement houses hereafter erected exceeding two stories in height the inside cellar stairs shall be inclosed and provided with doors at top or bottom.

SEC. 43. *Closet under first-story stairs.*—In tenement houses hereafter erected no closet of any kind, unless its four walls and ceiling be fireproof, shall be constructed under any staircase leading from the first story to the upper stories, but such space shall be left entirely open and kept clear and free from incumbrance.

SEC. 44. *Cellar entrance.*—In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of said building.

SEC. 45. *Wooden tenement houses.*—No wooden tenement house exceeding two stories in height or arranged to be occupied by more than two families on any floor shall hereafter be erected. And no wooden building not now used as a tenement house shall hereafter be altered or converted to such use so as to be in violation of the provisions of this section.

SEC. 46. *Percentage of lot occupied.*—No tenement house shall hereafter be enlarged, or its lot be diminished, or other building placed on its lot, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in section 9 of this act.

SEC. 47. *Height.*—No tenement house shall be increased in height so that the said building shall exceed one and one-half times the width of the widest street on which it stands.

SEC. 48. *Yards.*—No tenement house shall hereafter be enlarged or its lot be diminished, or other building placed on the lot so that the yard shall be less in size than the minimum sizes prescribed in section 11 of this act for tenement houses hereafter erected.

SEC. 49. *Courts in existing buildings.*—Any court used or intended to be used to light or ventilate rooms or water-closet compartments and which may be hereafter constructed in a tenement house erected prior to the passage of this act shall not be less in area than 64 square feet, nor less than 8 feet in its least dimension in any part, and such court shall under no circumstances be roofed or covered over at the top with a roof or skylight; every such court shall be provided at the bottom with two horizontal air intakes which shall consist of passageways each not less than 3 feet wide and 7 feet high, which shall communicate directly with the street and yard, and shall always

be left open, or be provided with an open gate at each end. Nothing in this section shall apply to existing buildings until same shall be altered or remodeled into a tenement house.

SEC. 50. *Additional rooms and halls.*—Any additional room or hall that is hereafter constructed or created in a tenement house shall comply in all respects with the provisions of this act, except that such rooms may be of the same height as the other rooms on the same story of the house.

SEC. 51. *Alcoves and alcove rooms.*—No part of any room in a tenement house shall hereafter be inclosed or subdivided, wholly or in part, by a curtain, portière, fixed or movable partition, or other contrivance or device, unless such part of the room so inclosed or subdivided shall contain a window as required by sections 20 and 21 of this act, and have a floor area of not less than 100 square feet.

SEC. 52. *Skylights.*—All new skylights hereafter placed in a tenement house shall be provided with ridge ventilators having a minimum opening of 40 square inches and also with either fixed or movable louvers or with movable sashes, and shall be of such size as to furnish adequate ventilation.

SEC. 53. *Water-closet accommodation.*—Every new water-closet hereafter placed in a tenement house, except one provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of section 34 of this act relative to water-closets in tenement houses hereafter erected.

SEC. 54. *Fireproof tenements.*—No tenement house shall hereafter be altered so as to exceed three stories in height, exclusive of basement or cellar, unless it shall be a fireproof tenement house.

SEC. 55. *Fire escapes.*—All fire escapes hereafter constructed on any tenement house shall be located and constructed as prescribed in section 38 of this act.

SEC. 56. *Roof stairs.*—No stairs leading to the roof in any tenement house shall be removed or replaced with a ladder.

SEC. 57. *Stairways.*—No public hall or stairs in a tenement house shall be reduced in width so as to be less than the minimum width prescribed in sections 40 and 41 of this act.

SEC. 58. *Alteration of wooden tenement houses.*—No existing wooden tenement house shall hereafter be increased in height; nor shall it be altered so as to be occupied by more than two families on any floor. No wooden tenement house containing more than two apartments on any floor shall hereafter be enlarged or extended; except that a wooden extension not exceeding in total area 70 square feet may be added to an existing wooden tenement house, provided such extension is used solely for bathrooms or water-closets.

SEC. 59. *Public halls, lighting of, in the daytime.*—In every tenement house exceeding two stories in height, where the public halls and stairs are not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

SEC. 60. *Public halls, lighting at night.*—In every tenement house two stories or more in height, or occupied by four families or more, lighting connections and fixtures shall be installed and a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon every floor of said house, every night from sunset to sunrise throughout the year.

SEC. 61. *Water-closets in cellars.*—Under no circumstances shall the general water-closet accommodations of any tenement house be permitted in the cellar or basement thereof.

SEC. 62. *Water-closet accommodation.*—In every tenement house existing prior to the passage of this act there shall be provided at least one water-closet for every two families.

SEC. 63. *Basement and cellar rooms.*—Hereafter in tenement houses erected prior to the passage of this act no room in the cellar shall be occupied for living purposes; and

no room in the basement of such houses shall be so occupied unless all the following conditions are complied with: Such room shall be at least 7 feet high in every part from the floor to the ceiling. There shall be appurtenant to such room the use of a water-closet. At least one of the rooms of the apartment of which such room is an integral part shall have a window opening directly to the street or yard of at least 12 square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation. The lowest floor shall be waterproof and damp proof. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation.

SEC. 64. *Cellar walls and ceilings.*—The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained.

SEC. 65. *Water-closets and sinks.*—In all tenement houses the floor or other surface beneath and around water-closets and sinks shall be maintained in good order and repair, and if of wood and used by more than one family, shall be kept well painted with light-colored paint.

SEC. 66. *Repairs.*—Every tenement house and all the parts thereof shall be kept in good repair, as to all matters affecting health, safety, or morals, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping onto the ground or causing dampness in the walls, ceilings, yards, or areas.

SEC. 67. *Water supply.*—Every tenement house more than two stories in height shall have on every floor at least one proper sink with running water furnished in sufficient quantity at one or more places accessible to each family on the floor occupied by said family, without passing through any other apartment. The owner shall provide proper and suitable tanks, cisterns, pumps, or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner.

SEC. 68. *Cisterns.*—Where there is no city water supply reasonably accessible, there shall be provided one or more adequate cisterns with a pump or other attachments for drawing water, but with no opening for drawing water with pails or buckets.

SEC. 69. *Cleanliness of buildings.*—Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage, or other matter in or on the same, or in the yards, courts, passages, areas, or alleys connected with or belonging to the same.

SEC. 70. *Catch basins.*—In all tenement houses where sinks with running water are not provided inside the house conveniently accessible to the tenants, one catch basin for every four families shall be provided in the yard or court level with the surface thereof, and at a point easy of access to the tenants. Such catch basin shall be properly trapped and connected with the public sewer.

SEC. 71. *Walls of courts.*—The walls of all courts less than 20 feet in width, unless built of a light-colored brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained.

SEC. 72. *Wall paper.*—No wall paper shall be placed upon a wall or ceiling of any tenement house unless the walls and ceilings shall be in sanitary condition to receive the same.

SEC. 73. *Receptacles for ashes, garbage, and rubbish.*—The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse, and other matter. Garbage chutes are prohibited.

SEC. 74. *Prohibited uses.*—No horse, cow, calf, swine, sheep, goat, or fowl shall be kept in a tenement house. And no tenement house, or the lot or premises thereof, shall be used for the storage or handling of rags, nor as a place of public assemblage.

SEC. 75. *Combustible materials.*—No tenement house, nor any part thereof, nor of the lot upon which it is situated, shall be used as a place of storage, keeping, or handling of any articles dangerous or detrimental to life or health, nor for the storage, keeping, or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers, or rags.

SEC. 76. *Bakeries and fat boiling.*—No bakery and no place of business in which fat is boiled shall be maintained in any tenement house which is not fireproof throughout.

SEC. 77. *Other dangerous businesses.*—There shall be no transom, window, or door opening into a hall from any portion of a tenement house where paint, oil, spirituous liquors, or drugs are stored for the purpose of sale or otherwise.

SEC. 78. *Overcrowding.*—If a room in a tenement house is overcrowded, the board of health may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than 400 cubic feet of air to each adult, and 250 cubic feet of air to each child under 12 years of age occupying such room.

SEC. 79. *Infected and uninhabitable houses to be vacated.*—Whenever it shall be found by the board of health that a tenement house or any part thereof is infected with contagious disease or that it is unfit for human habitation or dangerous to life or health by reason of want of repair or of defects in the drainage, plumbing, or ventilation, or in the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of such house the board may issue an order requiring all persons therein to vacate such house or part thereof within not less than 24 hours nor more than 10 days, for the reasons to be mentioned in such order. In case such order is not complied with within the time specified, the board of health may cause such tenement house or part thereof to be vacated. The board, whenever it is satisfied that the danger from such house or part thereof has ceased to exist or that it has become fit for human habitation, may allow such house to be occupied. An appeal is hereby granted from any decision or order of said board of health declaring any such tenement house unfit or unsafe for human occupation or habitation, which appeal may be taken by any owner, lessee, or agent of said tenement house or by any holder of any lien thereon or any person interested therein, which appeal may be perfected without any bond by the filing with the said board of health, within 10 days after the service of notice of such action by said board, a petition giving notice of the intention of such petitioner to appeal from said decision or order, and thereupon the said board of health shall cause to be transmitted to the clerk of the circuit court of the county in which said tenement house is located a copy of all papers, orders, and entries on file or entered in such matter by the board of health, whereupon the clerk of such circuit court shall docket in such court a suit wherein the State of Indiana shall be plaintiff and the said person so taking such appeal shall be named as defendant, and such proceedings shall be conducted to final termination in the same manner as a civil action, and it shall be the duty of the prosecuting attorney of such county to represent the plaintiff in such proceeding. Upon such appeal the question so passed upon by the said board of health shall be tried de novo, and if it shall be determined by such court that said tenement house was at the date of such decision or order of said board of health unfit or unsafe for human occupation or habitation the judgment in such cause shall be for the plaintiff, and it shall be unlawful for such person appealing to use or occupy said tenement house, which judgment may include an injunction against such defendant prohibiting such use or occupancy.

SEC. 80. *Repairs to buildings.*—Whenever any tenement house or any building, structure, excavation, business pursuit, matter, or thing in or about a tenement house or the lot on which it is situated, or the plumbing, sewerage, drainage, light, or ventilation thereof is, in the opinion of the board of health, in a condition or in effect dangerous or detrimental to life or health the department may declare that the same, to the extent it may specify, is a public nuisance and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as the order

shall specify. The board of health may also order or cause any tenement house or part thereof or any excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, matter, or thing, in or about a tenement house, or the lot on which it is situated, to be purified, cleansed, disinfected, removed, altered, repaired, or improved. If any order of the board is not complied with, or so far complied with as the board may regard as reasonable, within 5 days after the service thereof, or within such shorter time as the board may designate, then such order may be executed by said board of health, through its officers, agents, employees, or contractors. In cities having a building inspector the powers and duties devolved by this section upon the board of health shall devolve upon such inspector.

SEC. 81. *Fire escapes*.—The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire escape.

SEC. 82. *Scuttles, bulkheads, ladders, and stairs*.—All scuttles and bulkheads and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

SEC. 83. *Rooms, lighting and ventilation of*.—No rooms in a tenement house erected prior to the passage of this act shall hereafter be occupied for living purposes unless it shall have a window or windows with a total area of not less than 8 square feet between the stop beads opening directly upon the street, or upon a yard not less than 10 feet deep, or above the roof of an adjoining building, or upon a court of not less than 25 square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which does not comply with the above provisions shall be provided with a sash window not less than 15 square feet between the stop beads opening into an adjoining room in the same apartment which latter room opens directly on the street or on a yard of the above dimensions, by means of a window or windows at least 15 square feet in total area between the stop beads. Said sash window shall be a vertically sliding, pulley-hung sash not less than 3 feet by 5 feet between stop beads. Both halves shall be made so as to readily open and the lower half shall be glazed with translucent glass, and so far as possible it shall be in line with windows in the said outer room opening on the street or yard so as to afford a maximum of light and ventilation.

SEC. 84. *Public halls, lighting of*.—In every tenement house whenever a public hall on any floor is not light enough in the daytime to permit a person to read ordinary newspaper type in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed and ground glass or other translucent glass or wire glass panels of an aggregate area of not less than 4 square feet for each door shall be substituted; or said public hall may be lighted by a window at the end thereof with the natural direction of the light parallel to the axis of the said hall, said window opening upon the street or upon a yard or court.

SEC. 85. *Public halls, lighting and ventilation of*.—In all tenement houses erected prior to the passage of this act, the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be practicable. All new skylights hereafter placed in such houses shall be provided with ridge ventilators having a minimum opening of 40 square inches and also with either fixed or movable louvers or with movable sashes, and shall be of such size as may be practicable.

SEC. 86. *Sinks*.—In all tenement houses erected prior to the passage of this act, the woodwork inclosing sinks shall be removed and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink shall

be put in good order and repair, and if of wood and used by more than one family shall be kept well painted with light-colored paint.

SEC. 87. *Water-closets*.—In all tenement houses erected prior to the passage of this act, the woodwork inclosing all water-closets shall be removed from the front of said closets, and the space beneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair and if of wood and used by more than one family shall be well painted with light-colored paint.

SEC. 88. *Basements and cellars*.—The floor of the cellar or lowest floor of every tenement house shall be free from dampness and, when necessary, shall be concreted with 4 inches of concrete of good quality and with a finished surface. The cellar ceiling of every tenement house shall be plastered, when necessary to prevent the spread of damp air.

SEC. 89. *Fire escapes*.—Every tenement house three or more stories in height exclusive of cellar or basement, unless it is a fireproof tenement house, shall be provided either with outside stairways or fire escapes directly accessible to each apartment without passing through a public hallway. All the fire escapes hereafter erected shall be located and constructed as prescribed in section 38 of this act. No existing fire escape shall be deemed sufficient unless the following conditions are complied with: All parts of it shall be of iron, terra cotta, or stone. Every apartment the floor of which is 12 feet or more above the ground shall have a fire escape balcony directly accessible to it without passing through a public hall. All balconies shall be properly connected with each other by adequate stairs or stationary ladders, with openings not less than 24 by 36 inches. All fire escapes shall have proper drop ladders from the lowest balcony of sufficient length to reach a safe landing place beneath. All fire escapes not on the street shall have a safe and adequate means of egress from the yard or court to the street or to the adjoining premises. Prompt and ready access shall be had to all fire escapes, which shall not be obstructed by bath tubs, water-closets, sinks or other fixtures, or in any other way. All fire escapes that are already erected which do not conform to the requirements of this section may be altered by the owner to make them so conform in lieu of providing new fire escapes, but no existing fire escape shall be extended or have its location changed except with the written approval of the inspector of buildings.

SEC. 90. *Wooden fire escapes*.—All wooden floor slats, floors, stairs, ladders, balconies, or other wooden portions of now-existing fire escape shall be removed and replaced with iron.

SEC. 91. *Means of egress*.—Whenever a tenement house is not provided with sufficient fire escapes or with sufficient means of egress in case of fire, the inspector of buildings may order such additional fire escapes and other means of egress as may be necessary.

SEC. 92. *Scuttles, bulkheads, ladders, and stairs*.—Every tenement house exceeding two stories in height erected prior to the passage of this act, shall have in the roof a bulkhead or a scuttle which shall not be less than 24 inches by 36 inches. All scuttles shall be covered on the outside with metal and easily accessible to all tenants of the building. No scuttle shall be located in a room, but all scuttles shall be located in the ceiling of the public hall on the top floor, and access through the scuttle to the roof shall be direct and uninterrupted. If located in a closet, said closet shall open from the public hall and the door to it shall be permanently removed, or shall be fastened only by movable bolts or hooks without key locks. When deemed necessary by the inspector of buildings scuttles shall be hinged so as to readily open. No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks. All key locks on scuttles and on bulkhead doors shall be removed.

SEC. 93. *Permit to commence building*.—Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement

house, is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner, or his agent or architect, shall submit to the board of health or to the inspector of buildings a detailed statement in writing, verified by the affidavit of the person making the same, of the specifications for such tenement house or building, upon blanks or forms to be furnished by such departments, and also full and complete copies of the plans of such work. With such statement there shall be submitted a plat of the lot showing the dimensions of the same, the location of the proposed building and any other buildings on the lot. Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building. If such construction, alteration, or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but every person interested in such tenement house, either as owner, lessee, or in any representative capacity. Said affidavit shall allege that said specifications and plans are true and contain a correct description of such tenement house, building, structure, lot, and proposed work. The statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration, or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, unless he shall file with the said departments a written instrument, signed by such owner designating him as such agent. Any false swearing in a material point in any such affidavit shall be deemed perjury.

Such specifications, plans, and statements shall be filed in the said departments and shall be deemed public records, but no such specifications, plans, or statements shall be removed from said departments. The said departments shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act they shall be approved and written certificates to the effect shall be issued by said departments, respectively, to the person submitting the same. Such department may, from time to time, approve changes in any plans and specifications previously approved, provided the plans and specifications when so changed shall be in conformity with law. The construction, alteration, or conversion of such tenement house, building, or structure or any part thereof, shall not be commenced until the filing of such specifications, plans, and statements, and the approval thereof, as above provided. The construction, alteration, or conversion of such house, building, or structure, shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the board of health or the inspector of buildings but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation.

SEC. 94. *Certificate of compliance.*—No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the board of health that said building conforms in all respects to the requirements of this act relative to the light and ventilation and sanitation of tenement houses hereafter erected, nor until the issuance by the inspector of buildings of a certificate that said building conforms in all respects to the requirements of this act relative to fire protection of tenement houses hereafter erected. Such certificates shall be issued within 10 days after written application therefor, if said building at the date of such application shall have been constructed according to the officially approved plans and specifications. In cities having a building inspector the powers and duties provided for by sections 93 and 94 hereof, shall belong exclusively to such inspector.

SEC. 95. *Unlawful occupation.*—If any building hereafter constructed as or altered into a tenement house be occupied in whole or in part for human habitation in violation of the last section, during such unlawful occupation no rent shall be recoverable

by the owner or lessee of such premises for said period, and no action or special proceedings shall be maintained therefor. And said premises shall be deemed unfit for human habitation and the board of health may cause them to be vacated accordingly.

SEC. 96. *Penalties for violations.*—Every person who shall violate or assist in the violation of any provision of this act shall be guilty of a misdemeanor punishable by imprisonment for 10 days for each and every day that such violation shall continue, or by a fine of not less than \$10 nor more than \$100 if the offense be not willful, or of \$250 if the offense be willful. The owner of any tenement house or part thereof, or of any building or structure upon the same lot with a tenement house, or of the said lot, where any violation of this act or a nuisance exists, and any person who shall violate or assist in violating any provision of this act shall also jointly and severally for each such violation and each such nuisance be subject to a penalty of \$50. Such persons shall also be liable for all costs, expenses, and disbursements paid or incurred by said departments, by any of the officers thereof or by any agent, employee or contractor of the same, in the removal of any such nuisance or violation. Any person who having been served with a notice or order to remove any such nuisance or violation, shall fail to comply with said notice or order within 5 days after such service, or shall continue to violate any provision or requirement of this act in the respect named in said notice or order, shall also be subject to a civil penalty of \$250. For the recovery of any such penalties, costs, expenses, or disbursements, an action may be brought in any court of civil jurisdiction.

SEC. 97. *Laws repealed.*—All laws in conflict with the provisions of this act are hereby repealed.

SEC. 98. This act shall be in full force and effect on and after July 1, 1913.